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Letter dated 2 December 2016 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to forward to you the concept note for the Security Council ministerial open debate on the theme "Trafficking in persons in conflict situations" (see annex), to be held on 20 December 2016.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Román **Oyarzun**

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Annex to the letter dated 2 December 2016 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

Concept note for the Security Council ministerial open debate on the theme "Trafficking in persons in conflict situations", to be held on 20 December 2016

Background

Conflicts amplify the risks for trafficking in persons. Armed groups and criminal networks engage in trafficking in the territories in which they operate as well as in cross-border activities, typically trafficking in women and girls for profit, marriage and sexual slavery, while men and boys are often trafficked for forced labour in the mining sector and as porters, soldiers and slaves. People escaping from war and persecution are particularly vulnerable to becoming victims of trafficking. In the context of the current mass migration crisis, settings for refugees and internally displaced persons are indeed prime targets for traffickers.

In December 2015, the Security Council held its first thematic briefing on human trafficking in conflict. The subsequent presidential statement on human trafficking in situations of conflict (S/PRST/2015/25), adopted on 16 December 2015, requested the Secretary-General to report back to the Security Council on progress made in 12 months to implement better existing mechanisms countering trafficking in persons and to carry out the steps requested in the presidential statement.

The inclusion of human trafficking in the Security Council agenda was, in part, a response to the open promotion and practice of enslavement by the Islamic State in Iraq and the Levant (ISIL, also known as Daesh)[1] and Boko Haram, particularly of women and girls for the purposes of sexual slavery and of children as labourers, fighters and suicide bombers. The attitude of ISIL and Boko Haram to human trafficking differs from that of many other non-state armed groups: they treat human trafficking not just as a means to generate free labour, services and profit, but as a method of degradation, displacement and subjugation of targeted civilian populations.

Armed conflict

Armed conflicts and humanitarian crises expose those caught in the crossfire to increased risk of being trafficked both in and beyond conflict zones, and exacerbate many factors that increase individual and group vulnerability to human trafficking and that impact disproportionately on groups that already lack power and status in society, including women, children, migrants, refugees and the internally displaced. This has been confirmed in a number of recent reports, including the Secretary-General's first report on trafficking in persons in conflict (S/2016/949),

[1] ISIL/Daesh and ISIS are used interchangeably by various stakeholders.

reports of the United Nations Office on Drugs and Crime (UNODC)[2] and the Special Rapporteur on trafficking in persons, especially women and children,[3] and the research of the International Organization for Migration.[4]

The nexus between conflict-related sexual violence and human trafficking and its cross-border dynamics has been acknowledged by the Secretary-General in his 2016 report on conflict-related sexual violence (S/2016/361/Rev.1), with information on smugglers demanding sex as "payment of passage" and of an evolving criminal infrastructure designed to exploit refugees through human trafficking, commercial sex and sexual slavery, including in the context of the current mass migration movements.

Civilian populations are viewed by some armed groups as a resource or commodity to be trafficked, as evidenced recently by the abduction and cross-border trafficking of Syrian and Iraqi women and children, and documented in the Secretary-General's report on conflict-related sexual violence (ibid.). Internally displaced and refugee women and girls in ISIL-controlled areas have been sold or forcibly married to fighters in armed groups or to wealthy foreigners.

Specific, sometimes new, forms of trafficking can emerge in the contexts of conflict, including when there is a high risk or incidence of atrocity crimes, such as genocide, war crimes and crimes against humanity.

Terrorist groups

In recent years, terrorist groups such as ISIL (also known as Daesh) and Boko Haram have openly advocated for and engaged in sexual enslavement and trading in women and girls through human trafficking. It should also be noted that the Secretary-General has raised concerns regarding sexual violence used by some extremist groups as a tactic of terrorism to advance their goals and ideology, and has highlighted the nexus of trafficking and conflict-related sexual violence, particularly in the context of crimes being committed by ISIL, Boko Haram and other extremist groups.[5] The Secretary-General's 2016 report on children and armed conflict (A/70/836-S/2016/360) noted reported cases of forced marriage to fighters and trafficking of girls into the Syrian Arab Republic by ISIL to be used as sex slaves.

The Secretary-General's 2016 report on conflict-related sexual violence also highlighted that the use of sexual violence by terrorist groups to increase their power, recruitment base and revenue through human trafficking in all its forms should be part of the global discourse and action on curbing financial flows to violent extremists. Trafficking in women and girls remains a critical component of

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[2] United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, United Nations publication, Sales No. E.14.V.10, available at http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf. See also UNODC Global Report forthcoming in December 2016.

[3] Reports of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, A/HRC/32/41 of 3 May 2016 and A/71/303 of 5 August 2016.

[4] International Organization for Migration, *Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations*, Geneva, July 2015.

[5] Some of these concerns have been articulated in the two latest reports of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1 and S/2015/203.

the financial flows to ISIL and its affiliates.[6] Tactics include ransoming and sale of women and girls to mobilize resources and fund operations, with terrorists using modern technologies, such as encrypted messaging, to keep online bidding processes secret.[7]

The fourth global survey of the implementation by Member States of Security Council resolution 1373 (2001) (S/2016/49, annex) noted that cooperation with organized criminal networks provides terrorist groups with access to funding and resources through human trafficking, in particular of women and girls. The border control measures of States are thus vulnerable to systematic exploitation by human traffickers operating in close collaboration with terrorist groups. In his latest report (A/71/384), the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism raised concern that certain actions of Member States, such as push-back operations and criminalization of irregular migration, contribute to the establishment of chaotic and covert movements of people, including through human trafficking, and might ultimately assist those intent on committing acts of terrorism.

The use of existing mechanisms such as anti-money-laundering and counter-terrorist financing tools, as well as sanctions regimes, to monitor and disrupt human trafficking in all its forms connected to conflict are crucial to a strengthened response to human trafficking in conflict.

Post-conflict settings

Human trafficking activities have also been noted in post-conflict contexts, fuelled by absent or dysfunctional law enforcement and justice institutions and the enhanced vulnerability of local populations. The involvement of civil society and groups of women in support of victims in post-conflict settings also has an important role to play in building peaceful societies.

Main questions

How can the Security Council better integrate the issue of trafficking in persons in conflict in all its forms into its work? How can it integrate the understanding of the nexus between human trafficking, conflict-related sexual violence and violent extremism?

How can the United Nations system organizations work closely together to confront human trafficking in conflict and in the context of terrorism while delivering their respective mandates? How can we mainstream the issue of trafficking in persons as a factor in conflict prevention strategies, conflict analysis, integrated mission assessment and planning and peacebuilding support?

How can Member States better implement applicable legal obligations to criminalize, prevent and otherwise combat trafficking in persons, including

[6] Reports of the Secretary-General on the threat posed by ISIL (Daesh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat, S/2016/92 of 29 January 2016 and S/2016/501 of 31 May 2016.

[7] Ibid.

trafficking in persons in the context of conflict-related sexual violence and as a tactic of terrorism?

How can we better implement robust victim identification mechanisms and provide access to protection and assistance for identified victims, particularly in relation to conflict? How can humanitarian action effectively support and prioritize the victims of human trafficking and sexual violence when addressing humanitarian needs?

How can we ensure that evidence is preserved so that investigations and prosecutions may occur? How can we ensure accountability of those who engage in trafficking in persons in conflict situations?

What is the best way to mitigate the risk of public procurement and supply chains contributing to trafficking in persons in conflict? How can we create global awareness on this situation?

Format

The format is an open ministerial debate of the Security Council, open to United Nations Member States, under the presidency of His Excellency Mr. Mariano Rajoy Brey, Prime Minister of Spain.

In line with Spain's belief that open debates should provide an efficient platform for communication and interaction between the Security Council and the wider membership of the United Nations, the debate will be articulated in accordance with the following modalities:

(a) Briefers' introductory remarks will be limited to five minutes;

(b) Member States are strongly encouraged to deliver joint statements rather than individual statements. In that spirit, joint and coordinated group statements will be accorded priority in the list of speakers. Delegations with lengthy statements are kindly requested to circulate the complete text in writing and deliver a condensed version in the Chamber.

Briefers

Mr. Ban Ki-moon, Secretary-General, Mr. Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime, Ms. Zainab Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict, and a civil society representative (to be confirmed) will brief the Security Council at the open debate.

Outcome

We are hopeful that the Council will adopt a resolution to support efforts to eliminate human trafficking in persons in situations of conflict.